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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,345	08/11/2006	Tsutomu Matsubara	1163-0576PUS1	6519

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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NWUGO, OJIAKO K

ART UNIT	PAPER NUMBER
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2612

NOTIFICATION DATE	DELIVERY MODE
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10/14/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,345	<b>Applicant(s)</b> MATSUBARA, TSUTOMU	
	<b>Examiner</b> OJIAKO NWUGO	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claim 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim 21** is rejected under 35 U.S.C. 102(e) as being anticipated by Kishiko Maruyama et al U.S. Patent Application 2004/0236507 (Hereafter referred to Maruyama).

Regarding **Claim 21**, Maruyama discloses in fig. 7 and paragraph 85 the dual display of two and three dimensional images on a screen. This reads on “setting means for setting a display mode of facilities selected by a user from a plurality of selectable display modes, the selectable display modes including a mode for displaying a map two-dimensionally and a mode for displaying a map three-dimensionally”

In paragraph 65 and fig. 2 Maruyama discloses map database 2, from which both two dimensional and three dimensional data are retrieved. This read on " facility data storing means for storing image data of facilities; map data storing means for storing map data for two-dimensional display and map data for three-dimensional display;"

In paragraph 69 Maruyama discloses the display of stored facility by user prompt. This reads on " facility identifying means for identifying facilities selected by the user and for retrieving the image data of the identified facilities from the facility data storing means; and display means displaying a map based map data retrieved from the map data storing means, and displaying on the map the image data retrieved by said facility identifying means"

In paragraph 79, Maruyama discloses the retrieval of map data from database 6 to be displayed in a mode as prompted by User. This reads on "when the user selects the mode for displaying the map two-dimensionally, the map data for two-dimensional display is retrieved from the map data storing means and used by the display means to display the map, and when the user selects the mode for displaying the map three-dimensionally, the map data for three-dimensional display is retrieved from the map data storing means and used by the display means to display the map".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1-11,16,17,20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Michael Obradovich et al U.S. Patent Application 2003/0163251 in view of Jeffrey Alan Millington U.S. Patent 6611753 (Hereafter referred to as Obradovich and Millington)

Regarding **Claim 1**, Obradovich discloses in fig. 11 and paragraph 94 a split screen displaying current user location and a third party location. The third party location, a still can be dynamically updated by user.

Obradovich does not disclose a rotating three dimensional image. Millington discloses on figs. 2a-2e, 3 and col. 3 lines 20-35 and lines 50-55 rotating three dimensional displays.

It would have been obvious for one of ordinary skill at the time of the invention to incorporate the three dimensional rotating display of Millington into Obradovich for improved understanding of the user as taught by Millington.

Regarding **Claim 2**, Obradovich discloses in paragraph 79, voice activation of map instruction as regards location.

Regarding **Claim 3**, Obradovich discloses in paragraph 93, the pressing of QUE IN 550 and ENTER to retrieve map.

Regarding **Claim 4**, Millington discloses in col. 5 lines 35-40 the scaling (zooming) of the image, the location of user is inherently different from the area being observed.

Regarding **Claim 5**, Millington discloses in col. 3 lines 20-22 the scaling (zooming) and rotation of 3-D view.

Regarding **Claim 6**, Millington discloses col. 5 lines 33-40 the scaling (zooming) of a 3-D image of a facility like an intersection, to keep the scene in view.

Regarding **Claim 7**, Millington discloses col. 5 lines 37-39 a scaling increment range of 0-8.

Regarding **Claim 8**, Millington discloses in col. 5 line 34-36 the scaling percentages for incrementing or decrementing, hence a rate of scaling.

Regarding **Claim 9**, Millington discloses the scaling and rotation of the 3-D image of a facility like an intersection. Wide area map being a question of scale.

Regarding **Claim 10**, Obradovich discloses in paragraph 93 the selection and display of requested map.

Regarding **Claim 11**, Millington discloses in col. 5 lines 66 – col. 6 lines 4 an indicator 74 with arrow 75 to indicate destination the facility being the intersection displayed in 3-D.

Regarding **claim 16**, Millington discloses in col. 5 lines 52-57 color changes in accord with time zone and season.

Regarding **claim 17**, Millington discloses in fig. 5 and col. 4 lines 12-16 an arrow 64.

Regarding **Claim 20**, Obradovich discloses in paragraph 94 in light of paragraph 93 the display of data stored Map.

**Claim12-14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Millington in view of Christopher E. Shipley U.S. Patent application 2004/0204849. (Hereafter referred to Shipley et al)

Regarding **claim 12**, neither Obradovich nor Millington discloses differential scaling with respect to location of interest, Shipley in its abstract discloses the abstract the displaying a chart or map such that the area in close proximity to an area of interest is in greater scale than an area that is distant and creating the image.

It would have been obvious for one of ordinary skill at the time of the invention to incorporate the differential scaling of Shipley into Obradovich for the economy space in the display of short and long term data as taught by Shipley.

Regarding **Claim 13**, Shipley discloses in paragraphs 199 that the output color displayed in the colors

Regarding **Claim 14**, Shipley in its abstract discloses the abstract the displaying a chart or map such that the area in close proximity to an area of interest is in greater scale than an area that is distant and creating the image

**Claim15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Millington in view of Max Donnath et al U.S Patent 6977630.( Hereafter referred to as Donnath)

Regarding **Claim 15**, neither Obradovich nor Millington discloses a blinking indicator of facility. Donnath discloses in col. 19 line 28-30 the flashing (blinking) of targets near to user vehicle.

It would have been obvious for one of ordinary skill at the time of the invention to incorporate the target flashing of Donnath into Obradovich to indicate proximity to user as taught by Donnath

**Claim 18,19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich and Millington in view of Kishiko Maruyama et al U.S. Patent Application 2004/0236507( Hereafter referred to Maruyama)

Regarding **claim 18** neither Obradovich nor Millington discloses a speech recognition capability. Maruyama in paragraph 66 discloses the use of voice guidance with map display.

It would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the voice recognition capacity of Maruyama into Obradovich to make display more user friendly.

Regarding **Claim 19**, Maruyama discloses in paragraph 66 a route guide in accordance with Map.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJIAKO NWUGO whose telephone number is (571)272-9755. The examiner can normally be reached on M - F 7.30am - 5.00pm EST, Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OKN

/Jeff Hofsass/

Supervisory Patent Examiner, Art Unit 2612